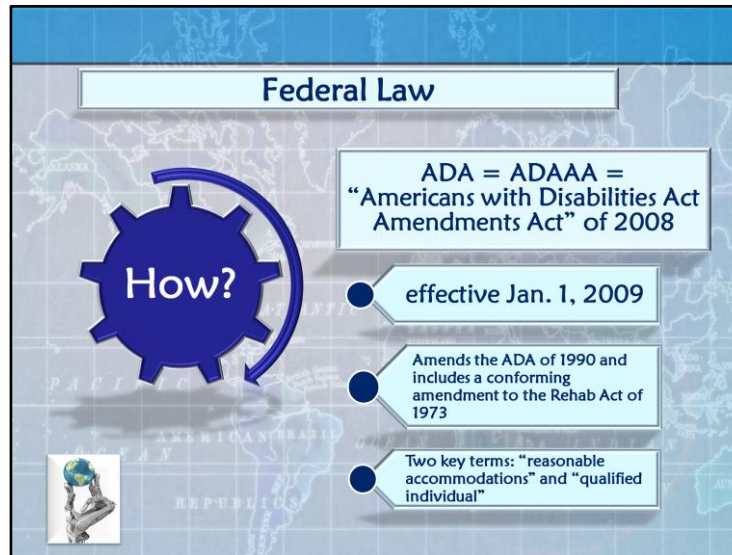


There are three main regulations put in place by the US Congress in order to protect individuals with disabilities from discrimination. They are:

1. The Americans with Disabilities Act or ADA, originally called the Rehabilitation Act of 1973 (Rehab Act), then recreated as the ADA of 1990, and then amended in 2008
2. The Individuals with Disabilities Education Act or IDEA – originally enacted in 1975, then amended in 1997 and 2004
3. The Assistive Technology Act or ATA – originally enacted in 1998, and then amended in 2004

These laws come together to protect individuals all throughout their life in these United States.



Basically, the ADA contains regulations governing nondiscrimination on the basis of disability in local and state government services as well as in places of employment. The key part of the legislation for us deals with the fact that many universities receive federal funds, and part of the ADA specifies that entities receiving federal funds are subject to the ADA legislation. The ADA legislation requires “reasonable accommodations” for employees and for students in higher education (based on the accessibility requirement for organizations receiving federal funds). It is important to note that the ADA specifies that the individual receiving the accommodations be considered a “qualified individual”. This means that they must be qualified for the job or the school in every category. That is, they must meet the entrance requirements to the university. This term “qualified individual” prevents the situation where an individual could claim discrimination merely because they were denied admission or turned down for the job. The employer or school must justify or explain how the individual was not considered a “qualified individual”.

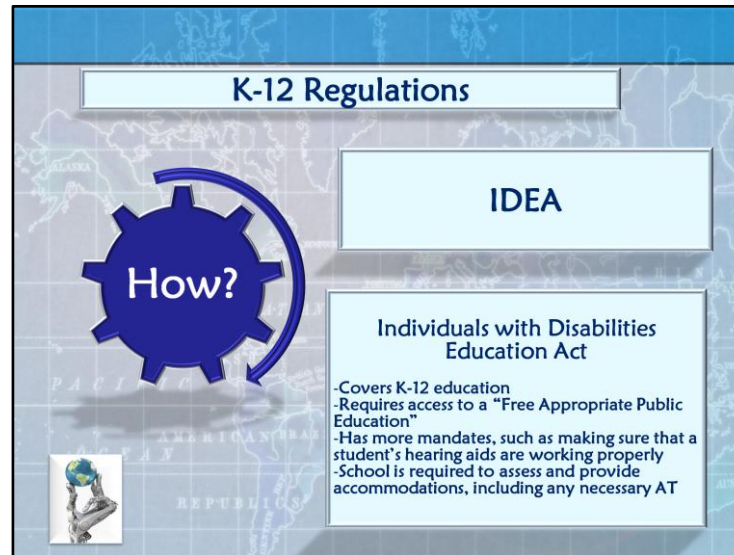
As we listed earlier in the presentation, the ADA describes as qualified individual as follows:

“Qualified individual with a disability:

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.”

And here in the Delaware Employment Blog, the authors discuss the newly enacted Amendment Act and what employers are and are not required to comply with regarding reasonable accommodations:

http://www.delawareemploymentlawblog.com/discrimination_1/americans_with_disabilities_ac/



There are several important points to remember about the IDEA or Individuals with Disabilities Education Act. First of all, it covers K-12 education in the US. Most importantly, IDEA requires that schools provide access to a "Free and Appropriate Public Education". This is commonly referred to as FAPE, and is the portion of the regulation that mandates schools to provide accommodations in order to make sure that ALL students receive an education that is appropriate and free. IDEA also includes mandates to provide assistive technology and services to students with disabilities, including down to the level of making sure that a student's hearing aids have good batteries and are working properly. As you can see, this is drastically different than what the ADA requires for universities to provide. The IDEA was originally enacted in 1975, then was amended in 1997 and again in 2004.

For additional information on IDEA

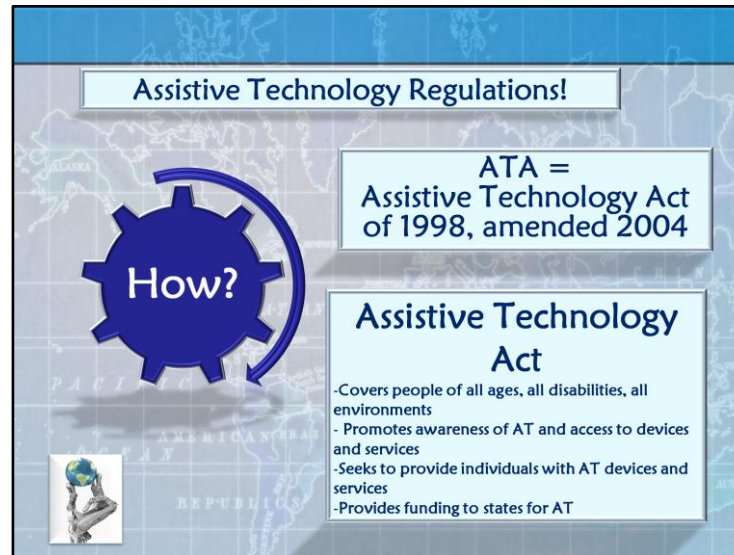
<http://www.nichcy.org/Laws/IDEA/Pages/Default.aspx>

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ446.108

<http://idea.ed.gov/>

And this website has a great summary of the differences between what is required of K-12 schools and what is required of universities:

<http://lwtchost.ctc.edu/dept/disabilitysvcs/DisabilityAwarenessWeek/DSSsummaryforAcademy.doc>



The Assistive Technology Act is a little bit different than the ADA or the IDEA. Rather than providing mandates, the ATA is more about providing funding and grants to states so that they can provide technology to individuals with disabilities. The ATA recognizes the advancements in technology and the impact that it has had on society and how much it can help individuals with disabilities. The Tech Act is intended to promote people's awareness of, and access to, assistive technology (AT) devices and services. The Act seeks to provide Assistive Technology to persons with disabilities, so they can more fully participate in education, employment, and daily activities on a level playing field with other members of their communities. The Act covers people with disabilities of all ages, all disabilities, in all environments (early intervention, K-12, post-secondary, vocational rehabilitation, community living, aging services, etc.). For additional information, please see the legislation itself at the link below:

http://www.ataporg.org/atap/atact_law.pdf

Assistive Technology Act of 1998, as amended in 2004; Public Law 108-364 108th Congress; House Reports: No. 108-514 (Comm. on Education and the Workforce). Congressional Record, Vol. 150 (2004).